

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

HUI MINN LEE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 1:18-cv-1046
	)	
MARKET AMERICA, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT'S MOTION TO AMEND ITS MEMORANDUM OF LAW IN SUPPORT OF  
ITS MOTION FOR SUMMARY JUDGMENT**

COMES NOW Defendant, through its undersigned counsel, and moves to amend its Memorandum of Law on its Motion for Summary Judgment. In support of its motion, Defendant's counsel shows unto the Court the following:

1. Defendant's counsel filed its Motion for Summary Judgment on May 21, 2021.
2. Defendant's Motion for Summary Judgment requested summary judgment as to all claims, and in its brief of for said motion it also asked that the Court dismiss all claims.
3. In preparing its brief, counsel for Defendant compared the Order on 12(b)(6) of the Court with the Amended Complaint.

4. In error, and as excusable neglect, counsel for Defendant believed that all claims regarding retaliation, both under 1981 and Title VII were dismissed with the Court's Order on 12(b)(6), and did not specifically include briefing in its summary judgement regarding the Plaintiff's *prima facie* case of retaliation.
5. In its brief, counsel for Defendant did include arguments applicable to the 1981 claim for retaliation, including the legitimate bases for termination and pretext, which would include arguments for summary judgment regarding retaliation.
6. In an abundance of caution, and as a result of counsel for Plaintiff raising this issue in her response, Counsel for Defendant submits this motion to amend her brief to include specific arguments regarding the retaliation claim.
7. Counsel for Defendant asks that the briefing deadlines be extended for counsel for Plaintiff to respond to Defendant's Motion for Summary Judgment in the event that this Motion is granted.
8. Counsel for Defendant's arguments and amendments to be incorporated into the brief filed contemporaneously herewith entitled "Supplemental Memorandum In Support of Defendant's Motion for Summary Judgment".

9. Counsel for Defendant also includes its brief in support of this Motion filed contemporaneously herewith.
10. Counsel for Defendant contacted counsel for Plaintiff by email and phone, and Plaintiff's counsel will not consent to this motion.

WHEREFORE, Defendant, through counsel, respectfully requests that this Motion to Amend its Memorandum of Law in Support of Summary Judgment be granted, that counsel for Plaintiff be given time to respond to said arguments, and for such other and further relief as the Court deems just and proper.

Respectfully submitted this the 8th day of June, 2021.

/s/Camilla F. DeBoard  
Camilla F. DeBoard  
Attorney for Defendant  
NC Bar No. 41265

OF COUNSEL:

Teague Rotenstreich Stanaland Fox & Holt, P.L.L.C.  
Post Office Box 1898  
Greensboro, NC 27402-1898  
Telephone: (336) 272-4810  
Facsimile: (336) 272-2448  
E-mail: [cfid@trslaw.com](mailto:cfid@trslaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on the date noted below, I electronically filed the Motion to Amend its Memorandum of Law in Support Of its Motion for Summary Judgment with the Clerk of Court using the CM/ECF system which will send notification of filing to the following:

Angela N. Gray  
Gray Newell Thomas, LLP  
7 Corporate Center Ct, Ste. B  
Greensboro, NC 27408  
Email: [angela@graynewell.com](mailto:angela@graynewell.com)

This the 8<sup>th</sup> day of June, 2021.

/s/Camilla F. DeBoard  
Camilla F. DeBoard  
Attorney for Defendant  
NC Bar No. 41265

OF COUNSEL:

Teague Rotenstreich Stanaland Fox & Holt, P.L.L.C.  
Post Office Box 1898  
Greensboro, NC 27402-1898  
Telephone: (336) 272-4810  
Facsimile: (336) 272-2448  
E-mail: [cfd@trslaw.com](mailto:cfd@trslaw.com)